



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,513	09/30/2003	David L. O'Meara	243460US6YA	1655
22850	7590	01/10/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER COLEMAN, WILLIAM D	
			ART UNIT 2823	PAPER NUMBER
			NOTIFICATION DATE 01/10/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

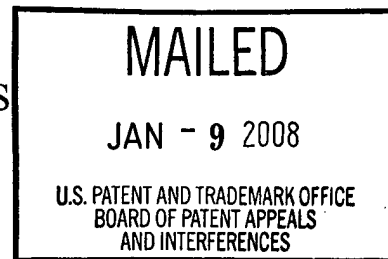
patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

---



Ex parte: DAVID L. O'MERA, DANIEL CRAIG BURDETT,  
STEPHEN H. CABRAL, GERT LEUSINK,  
JOHN WILLAIM KOSTENKO and CORY WAJDA

---

Application 10/673,513

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on December 14, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

**REPLY BREIF**

Appellant filed a Reply Brief on February 1, 2007 in response to the Examiner's Answer mailed December 1, 2006.

**SUPPLEMENTAL EXAMINER'S ANSWER**

On April 19, 2007, the examiner mailed a Supplemental Examiner's Answer in response to the Reply Brief February 1, 2007.

**APPROVAL BY TECHNOLOGY CENTER DIRECTOR**

The Supplemental Examiner's Answer is deficient, because it was not signed by the Technology Center Group Director or his designee. Section 1207.05 Of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3, August 2005) states that "[e]very supplemental examiner's answer must be approved by a Technology Center (TC) Director or designee." Correction is required.

**CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) vacate the Supplemental Examiner's Answer mailed April 19, 2007, and issue a Supplemental Examiner Answer that is in compliance with MPEP § 1207.02 acquiring the appropriate TC Group Director Approval; and

Application 10/673,513

2) for such further action as may be deemed appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in cursive script, reading "Patrick J. Nolan", is written over a horizontal line.

PATRICK J. NOLAN

Deputy Chief Appeals Administrator  
(571)272-9797

PJN/psb/dpv

Oblong, Spivak, McClelland,  
Maier & Neustadt, PC  
1940 Duke Street  
Alexandria, VA 22314